

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Received in the Chambers of  
Hon. Raymond J. Dearie  
9/12, 2005

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GARDEN CITY BOXING CLUB, INC.,

Plaintiff,

-against-

CELSO ESPINAL, *et al.*,

Defendants.  
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REPORT AND  
RECOMMENDATION  
04 CV 3475 (RJD) (RML)

10/6/05  
Adopted.  
Raymond J. Dearie

LEVY, United States Magistrate Judge:

s/ Judge Raymond J. Dearie  
ydy

In a Report and Recommendation dated June 30, 2005, familiarity with which is assumed, I recommended that plaintiff be awarded \$4,000 in statutory damages and \$140 in costs pursuant to the Communications Act of 1934, as amended, 47 U.S.C. §§ 553 and 605 (1991). (Report and Recommendation, dated June 30, 2005 ("R&R"), at 11.) I recommended that plaintiff's request for investigative costs be denied, in part because plaintiff provided no documentation to support the request, such as an affidavit stating the hourly rate for the investigator and the total amount of time worked. (R&R at 9.) Additionally, although plaintiff is entitled to attorney's fees under the statute, I recommended that no attorney's fees be awarded because plaintiff did not submit any contemporaneous time records or request any specific amount. (*Id.*)

On July 11, 2004, plaintiff filed objections to the R&R. Plaintiff objects to the amount of the award and requests that the court reconsider the denial of investigative costs and attorney's fees. (Plaintiff's Objections to Report and Recommendation, dated July 11, 2005 ("Pl.'s Objections"), at 1, 9.) With its objections, plaintiff submitted time records in support of its request for attorney's fees. By order dated July 14, 2005, Judge Dearie re-referred the matter